

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

DAVID JOSEF LOVEJOY, a/k/a,
KENDRA MICHELLE LOVEJOY,

Civil Nos. 16-2468 (JRT/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATIONS**

MINNESOTA DEPARTMENT OF
HUMAN SERVICES, et al.,

Defendants.

David Josef Lovejoy, MSOP, 1111 Highway 73, Moose Lake, MN 55767,
pro se plaintiff.

Aaron Winter, **MINNESOTA ATTORNEY GENERAL'S OFFICE**, 445
Minnesota Street, Suite 1100, St Paul, MN 55101-2128, for defendants.

Based upon the Report and Recommendation of United States Magistrate Judge
Leo I. Brisbois, and after an independent review of the files, records and proceedings in
the above-entitled matter, **IT IS HEREBY ORDERED** that:

1. Defendants' Motion to Dismiss Plaintiff's Complaint, [Docket No. 7], is
GRANTED;

2. Plaintiff's claims against the MSOP and the Minnesota DHS are
DISMISSED with prejudice;

3. Plaintiff's § 1983 claims for monetary and punitive damages against all
individual named Defendants in their official capacities are **DISMISSED with**
prejudice;

4. Plaintiff's § 1983 claims for monetary and punitive damages against all

individual named Defendants in their individual capacities are **DISMISSED without prejudice**;

5. Plaintiff's § 1983 claims for injunctive and declaratory relief against all individual named Defendants in their official or individual capacities are **DISMISSED without prejudice**;

6. Plaintiff's Title II of the Civil Rights Act of 1964 claims against all individual Defendants are **DISMISSED with prejudice**;

7. The Court not continue to exercise supplemental or pendant jurisdiction, and therefore, Plaintiff's Minnesota Human Rights Act claims against all Defendants are **DISMISSED without prejudice**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 2, 2017
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court